Lawyers Lead the Way to A Better Buffalo

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2012 could be a turning point for the city and Western New York—and SUNY Buffalo Law School alumni, faculty and students are helping to make the difference.

LAWYERS LEAD THE WAY TO A BETTER BUFFALO
ILLUSTRATIONS BY DANIEL ZAKROCZEMSKI
The greatest gift is a portion of thyself,” the Yankee philosopher Ralph Waldo Emerson once wrote. That’s a piece of wisdom as old as humanity—and as fresh as today. Because increasingly the Law School’s alumni, faculty and students are giving of themselves in smart ideas, legal acumen and boundless energy, to Western New York and Buffalo. In the process they are becoming an important catalyst for the area’s economic renaissance.

That town-grown connection has a long provenance. In its 125-year history, the Law School has been a resource for its community in a thousand ways. But now, at what some see as a critical juncture for Western New York’s economic future, the legal and business expertise it provides has never been more crucial. New York Gov. Andrew Cuomo has announced that he is directing $1 billion in economic development money to the region, with hopes that this infusion of cash and tax credits will leverage $5 billion in private investment.

UB President Satish K. Tripathi says economic engagement is “a logical extension of our service and outreach mission as a public research university. As a direct outcome of our pursuit of research and educational excellence, we have a profound impact in contributing to the social, cultural and economic vitality of our region. “There’s no question that we are a major economic force in the region,” Tripathi says. “We educate the majority of licensed professionals in Western New York—including eight out of 10 attorneys in the region. We are the region’s second-largest employer, behind only the state government. Over 117,000 of our alumni live and work here. And our economic impact is substantial, currently measured at about $1.7 billion annually.

“But economic development is not just about job creation and dollars invested in the region. We create the environment for communities to thrive and prosper in a host of ways—through educating the next generation of leaders, through the problems we solve and solutions we develop, through the commercialization of our research, through the support we provide to local business and industry, and through our influence on the development of public policy.”

Law School Dean Makau W. Mutua notes that lawyers bring distinct advantages to the challenges of economic development. “Lawyers are trained to think through complex problems to resolve conflicts,” he says. “But lawyers are also arbitrators and bring parties together to a common agreement. Much of public and private life in a democracy is about negotiating conflicts—some deadly, for sure, but most are the routine work of economic development, the functioning of markets and claims of fault.

In a region like Western New York that’s undergoing soul-searching about new models of doing business and rebuilding communities, lawyers are the linchpin. They can cut through the thicket of political fog and clarify choices. They can exercise oversight for more accountability and transparency so that public monies are not squandered or stolen. This is what makes democracy less objectionable than other forms of government.”

The dean says the Law School recognizes community service as an essential part of the faculty’s work. “Service is one of the pillars of faculty responsibility, along with scholarship and teaching,” he says. “It is an important index for the grant of tenure. Service is a requirement—it’s not optional. Many of our faculty are engaged in service activities locally, nationally and internationally. Many who teach in the clinics, led by Professor Kim Connolly, are deeply engaged in providing legal services in affordable housing, community development, domestic violence and the preservation of the environment. These include George Hezel, Tom Disare, Tony Szczegiel, Sue Tomkins, Lauren Breen and Nils Olsen. Others, such as Jim Gardner, are en-
gaged with the democratic process on elections, Michael Halberstam on redistricting, Athena Mutua on issues of youth incarceration, Todd Brown with the local bar on bankruptcy, Chuck Ewing on mental health—they are too numerous to name them all. Even after tenure, our faculty remain engaged in the community.”

A survey of the work being done by people affiliated with the Law School is necessarily incomplete. With about 5,000 SUNY Buffalo Law alumni living and working in the eight counties of Western New York, the influence of our graduates is incalculable. And only the faculty and students know how much positive work they are doing for the future of the region.

But a sampling of that work paints a fuller picture of the influence the Law School is wielding as Buffalo and Western New York grow into a better future.

STUDENTS IMPACT THE COMMUNITY

Through a widespread clinical education program, law students provide direct service to hundreds of clients in the region.

For example, the Affordable Housing Clinic, led by Clinical Professor George M. Hezel, has produced more than 2,000 units of affordable housing by leveraging more than $165 million in federal, state and local government funds as well as equity raised through the sale of low-income housing tax credits. Assistant Clinical Professor Lauren Breen’s Community Economic Advocacy Clinic provides transactional legal assistance to a variety of business entities serving low-income communities in Western New York, with particular emphasis on child care policy, business/tax training and general corporate representation. The Environmental Law and Policy Clinic, directed by Professor R. Nils Olsen, has represented numerous community-based, citizen environmental groups and several local municipalities in environmental disputes, ranging from the proposed siting of hazardous-waste incinerators to land-use planning legislation. The Women, Children, and Social Justice Clinic, directed by Clinical Professor Suzanne E. Tomkins ’92, works to improve the lives of victims of domestic violence.

In March, eight UB students affiliated with the School of Architecture and Planning—including three from the Law School pursuing joint JD/MUP degrees, Jonathan Falk, Taylor Hawes and Tamera Wright—presented to the Erie County Industrial Development Agency an ambitious plan for strengthening the county’s $9.9 billion food system. The goal was to ensure economical and viable agriculture in the county, promote access to local food by county residents, ensure lasting food security in the county, and promote residents’ overall health and wellness.

In terms of direct service to people in need, the Law School’s inaugural Day of Service was held last spring, a tradition that will continue. Coordinated by law student Adam Lynch ’13, the event provided 80 UB Law students, faculty and alumni with an opportunity to assist several not-for-profit organizations in the Buffalo area. In the course of the day, the Law School volunteers sorted through boxes of donated clothing, removed nails from repurposed building materials, sifted through donated goods, cleaned up a park and befriended the elderly.

LEVERAGING THE FACULTY

Professor John Henry Schlegel took over the school’s course in regional economic development from Professor (and former UB President) William R. Greiner after Greiner’s death. Students in the fall term designed five proposed projects for City of Buffalo neighborhoods in need of revitalization, including pedestrian zones, a micro-loan fund and a community land trust. Associate Professor Michael Halberstam, whose research

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interests include the challenges of political redistricting, with his students presented to the Erie County Legislature and its Legislative Reapportionment Advisory Committee a non-partisan legislative redistricting plan. The plan by Halberstam and his students, including then-student Patrick Fitzgerald ’11, proposed a logical alternative to the politically motivated plans then in play.

And in 2010 Professor (and former Dean) R. Nils Olsen was named chair of the Buffalo Fiscal Stability Authority, then a “hard” control board that reviewed significant contracts that the city entered into and oversaw spending in the Buffalo Public Schools, the Municipal Housing Authority and the Buffalo Urban Renewal Agency.

Samuel L. Magavern, a Law School clinical adjunct instructor, serves as co-director of the Partnership for the Public Good, a Buffalo think tank. The organization’s stated goal is to “build a more just, sustainable and culturally vibrant community through action-oriented research, policy development and citizen engagement.”

On the administrative side, Lilie Wiley-Upshaw, as part of her work as vice dean for admissions and financial aid, has been a prime mover of the new UB Undergraduate Scholars Program, sponsored jointly by the Law School, the Minority Bar Association of Western New York, and UB’s Millard Fillmore College. “Fewer than 10 percent of all attorneys are people of color,” Wiley-Upshaw says, “and that’s certainly not representative of our country. As the State of New York’s law school, we have a responsibility to help change that in our own region and community.”

ALUMNI IN THE GOVERNMENT …

Many alumni are exercising the option for public service by serving directly in government.

As deputy Erie County executive, Richard Tobe ’74 is focusing on job creation and creating a streamlined, sustainable and efficient approach to economic development in Erie County. Tobe has more than 30 years of economic development experience in the public and private sectors as well as academia.

Tobe is joined in Erie County Hall by Christopher L. Jacobs ’99, who serves in the key post of Erie County clerk, in charge of an office that processes over 2 million transactions each year. Jacobs is an advocate for the creation of charter schools and co-founded the BISON Scholarship Fund (Buffalo Inner-City Scholarship Opportunity Network).

In Buffalo, Timothy A. Ball ’04 is serving as corporation counsel, the city’s top attorney.

Daniel C. Oliverio ’82 is the immediate past chair of the Erie County Fiscal Stability Authority—the “control board” that has put the county’s finances on an even footing.

Earlier this year, Dean Mutua was appointed to the board of the Erie Canal Harbor Development Corp., whose charge is to develop a coherent public-use plan for one of Buffalo’s most underused assets, its Lake Erie waterfront.

As a Buffalo City Court judge, Henry J. Nowak Jr. ’93 (now serving on the State Supreme Court) transformed the Queen City’s Housing Court. Once the court was run like a criminal court, with elderly or poor homeowners sometimes punished for neglecting to make repairs to their homes which they often could not afford. Housing Court is now a problem-solving court in which the help of community organizations and advocates is brought to bear to assist well-meaning but needy homeowners to make necessary improvements.

...AND IN OTHER ARENAS

Like many other Law School alumni, Christopher T. Greene ’74, a partner in the Buffalo law firm Damon Morey, has invested his time and expertise in several boards, including the Hauptman-Woodward Medical Research Institute, Millard Fillmore Hospitals and the Alzheimer’s Association of Western New York. He currently chairs the National Federation

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– Law School Dean Makau W. Mutua
for Just Communities of Western New York, which fights racism, bias and discrimination, and serves on the board of Kaleida Health.

A partner at Damon Morey, **Barbara L. Schifeling ’84** is a member and officer of the board of directors of the YWCA and serves as a board member of the Kaleida Health Foundation. **Brian D. Baird ’83** of counsel with Kavinoky & Cook, also devotes considerable time to public service matters. He is a trustee of the Cameron and Jane Baird Foundation and has been active in numerous local charities.

**Douglas W. Dimitroff ’89**, a partner with Phillips Lytle, serves on the board of Buffalo Niagara Enterprise, a nonprofit, private business development and regional marketing organization pitching the idea that the Buffalo Niagara region is the ideal place for businesses to locate, grow, and start up.

**Pamela Davis Heilman ’75**, of counsel with Hodgson Russ, has served in a variety of community roles, including serving for five years as board chair of the United Way of Buffalo and Erie County, the first woman to hold this position. She currently serves as vice chair of the Board of Governors of the Shaw Festival, one of the largest repertory theater companies in North America.

Director of the Buffalo regional office for the New York State Division of Human Rights, **Tasha E. Moore ’98** also heads a Minority Bar Association of Western New York committee focused on educational outreach, to get more students of color thinking about going to law school. "We want to expose kids to what a lawyer is," Moore says, "and get them thinking about civic responsibility."

**David F. Smith ’78**, president and CEO of National Fuel Gas Co., chairs Buffalo Niagara Enterprise, a nonprofit, private business development and regional marketing organization. BNE helps new and existing companies do business in Western New York, and has attracted more than $2.9 billion in new capital and helped create 36,000 since it began in 1999.

**Carl J. Montante ’67** is president and managing director of Uniland Development Co., a major Western New York developer. His privately held company built and owns more than 130 commercial buildings in the area, totaling more than 6 million square feet, including the Avant Building, a 16-level mixed-use hotel, office, and condominium building.

**Gordon R. Gross ’55**, a senior partner in the Buffalo law firm Gross, Shuman, Brizdle & Gilfillan, has served most recently as a founder of UB’s Institute for Jewish Thought and Heritage. He was also a member of the State University of New York Board of Trustees. His involvement with community service has included leadership positions with Roswell Park Cancer Institute, St. Mary’s School for the Deaf, the Community Foundation for Greater Buffalo and the Foundation for Jewish Philanthropies.

**David R. Pfalzgraf Jr. ’97** of Rupp, Baase, Pfalzgraf, Cunningham & Coppola, chairs the board of directors of the Kaleida Health Foundation, and serves on the board of the Buffalo Renaissance Foundation, where he is a past president. The non-profit foundation seeks “to help our future generations realize the best opportunities to enjoy a high quality of life in Western New York.”

**AN ONGOING PROCESS**

Many more stories of community involvement and civic impact are playing out, all in service of a common goal: a stronger economy and even better quality of life in Buffalo and Western New York.

Says President Tripathi: “We don’t live in an ivory tower – we are an intrinsic part of the fabric of our communities, and we have a responsibility to play a leadership role in this regard. Our commitment to civic engagement extends across the institution, and we are fortunate to have a wide array of schools and units that lead exceptional programs focused on the enrichment of our larger communities. The Law School has long been a leader in advancing the University’s commitment to civic engagement, and many of its programs provide an excellent model of community outreach and impact.”